

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HENNA ROSENFELD, individually, and
on behalf of all similarly situated consumers,

Plaintiff,

Case No.

v.

CAPITAL MANAGEMENT SERVICES, LP;
NORTHSTAR LOCATION SERVICES, LLC

Defendant.

_____ /

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant, Capital Management Services, LP (“CMS”), through undersigned counsel, and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, *et seq.*, hereby removes this action from Supreme Court of the State of New York, Rockland County, to the United States District Court for the Southern District of New York. In support of this Notice of Removal, Defendants states as follows:

1. On or about August 6, 2019, plaintiff, Henna Rosenfeld (plaintiff), commenced a civil action in the Supreme Court of the State of New York, Rockland County, entitled and captioned *Henna Rosenfeld, individually, and on behalf of all similarly situated consumers v. Capital Management Services, LP and Northstar Location Services, LLC*, Case No. 034445/2019.

2. In the Complaint, plaintiff alleges statutory causes of action against CMS under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.* A true

and correct copy of plaintiff's Complaint is attached hereto as Exhibit "A." Therefore, this Court has jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1331 because plaintiff's Complaint alleges a cause of action arising under the laws of the United States. Because plaintiff affirmatively alleges violations of the FDCPA, the Complaint asserts a federal question under 28 U.S.C. § 1331 and is removable pursuant to 28 U.S.C. § 1441.

4. On November 26, 2019, CMS was served with a copy of the Summons and Complaint.

5. The time within which CMS is required by the laws of the United States, 28 U.S.C. § 1446(b), to file this notice of removal has not yet expired. This Notice of Removal is timely, having been filed within 30 days of the date on which CMS was served with plaintiff's Complaint. *See* 28 U.S.C. § 1446.

6. The Supreme Court of the State of New York, Rockland County, is located within the United States District Court for the Southern District of New York. Therefore, venue for purposes of removal is proper because the United States District Court for the Southern District of New York embraces the place in which the removed action was pending. 28 U.S.C. § 1441(a).

7. Written notice of this Notice of Removal of this action is being immediately provided to the Supreme Court of the State of New York, Rockland County. *See* Exhibit "B" attached hereto.

8. Written notice of this Notice of Removal of this action is being caused to be served on the plaintiff.

9. As of the date of this filing, all named defendants that have been served with the State Court Action Complaint consent to removal of the State Court Action.

WHEREFORE, defendant, Capital Management Services, LP, gives notice that this action is removed from the Supreme Court of the State of New York, Rockland County, to the United States District Court for the Southern District of New York.

Dated: December 16, 2019

Respectfully Submitted,

s/ Aaron R. Easley
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*Attorneys for Defendant,
Capital Management Services, LP.*

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2019, a copy of the foregoing was served electronically via CM/ECF on the following:

Daniel Zemel, Esq.
Zemel Law, LLC
1373 Broad Street, Suite 203-C
Clifton, NJ 07013

s/Aaron R. Easley
Attorney